

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-0530V

Filed: October 21, 2015

Unpublished

MARYANN STORY,

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Petitioner,

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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Andrew Downing, Van Cott & Talamante, PLLC, Phoenix, AZ, for petitioner.

Sarah Duncan, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On May 26, 2015, MaryAnn Story ("petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the "Vaccine Act" or "Program"). Petitioner alleges that she suffered an injury to her right shoulder as a result of an influenza ("flu") vaccine administered on November 20, 2014. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 20, 2015, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent has concluded that petitioner's alleged injury is consistent with a shoulder injury related to vaccine administration ("SIRVA"), and that it was caused in fact by the flu vaccine she received on November 20, 2014. *Id.* at 5-6. Respondent also concluded, based on the medical records, that petitioner met the

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

statutory requirements for entitlement to compensation, including having suffered the sequela of her injury for more than six months. *Id.* at 6.

In view of respondent's concession and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master